

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL LONG,
Plaintiff,

v.

FORTY NINERS FOOTBALL COMPANY,
LLC,
Defendant.

Case No. 14-cv-01787-JST

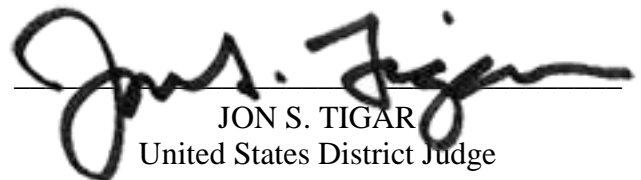
**ORDER DISMISSING CASE FOR
LACK OF SUBJECT MATTER
JURISDICTION**

Re: ECF No. 27

On July 16, 2014, Plaintiff filed his second amended complaint. ECF No. 27. Although the first paragraph of the second amended complaint purports to found federal jurisdiction on “original federal question jurisdiction,” and goes on to recite that “[t]he statutes alleged to have been violated are 42 U.S.C. § 1983, 14th amendment to the United States Constitution and the Sherman Anti-trust Act, 15 U.S.C. § 1 et seq.,” ECF No. 27 at 1, in fact the second amended complaint alleges none of those. Rather, it alleges only state-law claims for violation of California’s constitutional right to privacy, negligence, punitive damages, and liability under the rescue doctrine. Accordingly, the Court lacks federal question jurisdiction over the action. 28 U.S.C. § 1331. Because the parties also are not diverse pursuant to 28 U.S.C. § 1332, the Court lacks subject matter jurisdiction over Plaintiff’s complaint. Accordingly, the Court hereby dismisses the second amended complaint without prejudice to refile in state court.

IT IS SO ORDERED.

Dated: July 17, 2014


JON S. TIGAR
United States District Judge